



## Legal referrals during Covid-19 for clients experiencing family violence

**Disclaimer:** This factsheet was current at October 2020. Please contact your local legal service for the most up to date information on changes to court processes during COVID-19. See [‘How do I refer my client to a legal service?’](#) to do this. You can also visit the [Magistrates’ Court of Victoria website](#).

### ABOUT THIS FACT SHEET:

- Due to the COVID-19 coronavirus pandemic, court processes have changed. This includes accessing legal services for court hearings.
- This information will support you to make legal referrals for people who have experienced family violence (affected family members) during this time.
- You may already have a referral agreement with a local legal service. This factsheet does not replace that agreement.
- This information is a guide only. It is important that you refer your client for early legal advice for their circumstances.
- If you are supporting a respondent (person accused of using family violence), see our factsheet: ‘Information for family violence specialist services: legal referrals during Covid-19 for respondents’.

### Can my client still apply for an intervention order?

If your client is in immediate danger, they should contact the police.

Your client can still apply for an intervention order:

- online for all courts. If your client is having trouble putting in an application online, court staff can provide help over the phone or by email. Your client can [contact the magistrates](#) court for help with this
- in person at the magistrates’ court, if they need support due to language, disability or online accessibility issues. They must make an appointment before they go in, unless it is urgent.
- by completing an application and emailing it to the relevant court. You can get further details from the [court website](#).

It is important that your client gets early legal advice about applying for an intervention order.

A lawyer can explain how the law works, what the court process is, and about applying for an interim intervention order if they need one.

### My client has already applied for an intervention order

Your client should get early legal advice before their court date. A lawyer can explain how the law works and what the court process will be. They can explain the client’s options for participating on the day. The lawyer will then connect your client with a duty lawyer for their court date.

A duty lawyer service is a free legal service. A duty lawyer can help your client by:

- giving them legal advice over the telephone about their family violence intervention order case. This includes talking with them about their options for applying for an interim intervention order
- making sure their matter still goes ahead on their court date
- talking to police and other services at the court, to help come to a safe outcome
- giving them legal advice about their rights and choices in other areas of law. This might help your client to work out what options they might have for protecting any children. This is particularly important if the police reported the family violence to child protection
- negotiate with the other person or their lawyer.

## **What if the police applied for the order on my client's behalf?**

It is still important that your client gets legal advice. Your client can get legal advice if the police made a family violence safety notice or applied for an intervention order on their behalf. The police cannot provide legal advice. Your client might want something different to the police and a lawyer can help tell the court what your client wants.

## **How do I refer my client to a legal service?**

### **Before their court date**

There are a few referral options. These are:

- their [local community legal centre](#).
- a statewide specialist community legal centre. These are legal centres that respond to the cultural and/or diverse needs of a person's identity, that intersect with a person's experience of family violence as a legal issue. Some specialist community legal centres that may be able to help your client are:  
[Djirra, Aboriginal Family Violence Legal Service](#)  
[Intouch Legal Centre, Multicultural Centre against Family Violence](#)  
[LGBTIQ Legal Service](#)  
[Refugee Legal](#)  
[Seniors Rights Victoria](#)  
[Victorian Aboriginal Legal Service](#)  
[Women's Legal Service Victoria](#). - see 'Information for Practitioners'.  
[Youthlaw](#)
- Victoria Legal Aid through VLA's [Legal Help line](#). There is an option when calling the Legal Help line for support workers. Hold the line for details. Your client will then be referred to one of VLA's local offices.

### **On their court date**

With your client, you should [contact the court](#) immediately and ask for them to be referred to a duty lawyer service.

## What happens after I refer my client to a legal service?

The legal service will need to get some information from your client to assess whether they are the right service to help. The legal service will ask your client:

- their full name, date of birth, contact number, court date and court location
- the full names and dates of birth of the respondent and any children.

The legal service might need to call back your client to do this assessment. If this is the case the legal service will ask your client how this can be done safely. The legal service may call your client from a 'No Caller ID' number.

If the legal service cannot help, they will put your client in touch with a duty lawyer at another legal service who may be able to help.

You may already have a referral agreement between your organisation and a local legal service. Your follow up process may be different to what is described here. If you already have a referral agreement with a local legal service, you can still follow it.

## Does my client have to go to court?

All in person hearings at magistrates' courts across Victoria, will now be listed for hearing online, or by other remote means, such as over the phone. If your client has an upcoming court date they should [contact the court](#) immediately. The court staff will make assessment of the best way for your client to participate in their hearing, be it remote or in person.

Court staff may try to contact protected persons directly if they have not made contact themselves with the court, however this should not be relied upon. It is important to contact the court as early as possible so safe arrangements can be made to support your client's participation in their hearing.

All new family violence matters will be listed in the 'Online Magistrates' Court' rather than at a physical court venue. The Online Magistrates' Court is linked to the local physical court. Priority will be given to urgent matters including interim family violence intervention order applications and return of family violence safety notices.

If your client has an accessibility difficulty due to language, a disability, or another reason, they may be able to go to the physical court for their hearing. Your client must contact the [family violence registrar at the magistrate's court](#) before they go. The registrar will assess if it is necessary for your client to physically go to court. If the registrar decides your client does need to physically go to court, they will give your client a specific time to go. To maintain the court as a COVID-safe space your client will only be permitted entry at the specified time given, unless the circumstances are urgent.

If your client is not safe and needs to go court immediately, without an appointment time, they can do so. The registrar will assess the urgency and the next steps in that process.

Your client should still contact a lawyer before their court date. The lawyer will help ensure their case will go ahead on the day. See ['How do I refer my client to a legal service?'](#)

Your client can still access other court services for their online hearing:

- A family violence applicant practitioner. These are specialist workers at court, who can provide support over the phone. Contact the local family violence registrar.

- A court network volunteer can also provide some support to your client over the phone. They can be contacted on 1800 571 239 between 9:00am and 4:00pm.

## **What if my client lives more than 5km from their court?**

Going to court is an essential service. If police stop your client on the way to court, they should show the police their court documents.

## **What if my client has any access requirements?**

If your client requires an interpreter, you should contact the court before the court date. Confirm that the court have booked an interpreter. Check if the court knows if your client's hearing will be online.

The court will explain how your client can talk to the interpreter over the telephone.

If your client has any disability access requirements, you should make this known to the legal service at the time of referral. You should also contact the court before their court date. Confirm what is required for your client to receive legal advice and participate in their court hearing, and how any accessibility issues will be addressed.

## **What should my client do to participate in their online hearing?**

If your client has a court date relating to a family violence safety notice or an application for a family violence intervention order, they should:

- contact a legal service at least two days before their court date. The legal service will connect your client with a duty lawyer for their court date. The duty lawyer will help deal with their case on the day.
- contact the court as soon as possible, and no later than:
  - 10am the day before their court date if it is the first listing of the case.
  - Three clear business days prior if it is a subsequent listing of the case.

If your client is not sure whether it is a first or subsequent listing, they should contact the court.

Contact with the court can be made by filing a [Notice of Address for Contact and Service](#) or by telephoning the relevant court.

The purpose of making contact early is so that the lawyer or court can determine:

- whether the matter is suitable for an online hearing, or whether it should be heard in person
- whether a person has a lawyer, and if a referral to a legal service is required
- if the matter is to go ahead online, the date and time for the hearing

If your client's case is being heard online or via telephone, on their court date, they should contact the court to confirm their online appearance. If they have spoken with a legal service before their court date, they should tell the court this.

The duty lawyer will be busy, and it might take all day for them to help your client with their case. Your client should have their phone with them all day if possible, and keep their phone charged. If your client is worried that they haven't heard from the duty lawyer on their court day, they should contact the court.

## What happens if my client doesn't want to participate at all?

If your client does not want to participate at court at all, they should still get legal advice. A lawyer can tell them what might happen if they do not participate, and what they should do after the court date. Police and court staff cannot provide legal advice.

From 12 October 2020 at regional court locations, and 9 November at metropolitan court locations, if your client does not participate in their court hearing, the magistrate can:

- still make a final intervention order to protect them and other family members, without their agreement.
- Decide that the matter is 'struck out'. This means that they have decided that an intervention order is not required to protect your client or other family members. When an application is struck out the case is finished.

## How can my client find out what happened at court?

Your client can contact the police if they applied for the intervention order, the magistrates' court or the duty lawyer that represented them at court.

## What should I do if my client has an interim intervention order?

Check to see if your client understands the conditions (rules) of the intervention order. If your client is unsure what the conditions mean, or they want to change the conditions, they should get legal advice.

If a family member breaks the rules in the interim intervention order, your client should contact the police.

## What if my client needs to report a breach of a safety notice or intervention order?

Your client should contact the police. The process for reporting a breach is still the same. The police must investigate every breach of an intervention order. They might ask your client to make a statement.

They can also report a breach to a family violence liaison officer. They are specialist police officers that work at every 24-hour police station.

## More information

Learn more about legal issues and [COVID-19 coronavirus](#)

Visit VLA's 'Find legal answers' page on [Family violence intervention orders](#)

Download or order VLA's free [Family violence and intervention order publications](#)

## Where to get help

See [Get help for family violence](#) for details of legal and non-legal referral options.

The Federation of Community Legal Centres have developed a specific webpage of [community legal services providing family violence support](#) on their website.

**Information for family violence specialist services: Making legal referrals during Covid-19 for clients experiencing family violence**